

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BMMSOFT, INC.,

No. C-09-4562 MMC

Plaintiff,

v.

**ORDER VACATING AUGUST 20, 2010  
HEARING ON DEFENDANT'S MOTION  
TO DISMISS OR, IN THE ALTERNATIVE,  
FOR JUDGMENT ON THE PLEADINGS  
OR, IN THE ALTERNATIVE, FOR  
SUMMARY JUDGMENT**

WHITE OAKS TECHNOLOGY, INC.,

Defendant.

Before the Court is defendant White Oaks Technology, Inc.'s "Motion to Dismiss the Amended Complaint for Failure to State a Claim upon Which Relief Can Be Granted or, in the Alternative, for Judgment on the Pleadings or, in the Alternative, for Summary Judgment," filed June 11, 2010. Plaintiff BMMsoft, Inc. has filed opposition, to which defendant has replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court deems the matter appropriate for decision on the parties' respective written submissions and VACATES the hearing scheduled for August 20, 2010.

**IT IS SO ORDERED.**

Dated: August 13, 2010

  
MAXINE M. CHESNEY  
United States District Judge